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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 TYRONE DAVIS,

10 Defendant.
11

)
) Case No. 2:12-CR-00289-JCM-PAL
)

12 ORDER

13 Presently before the court is Magistrate Judge Leen's Report and Recommendation that
14 defendant Tyrone Davis' Motion to Suppress Evidence (doc. # 31) be denied. (Doc. # 33).
15 Defendant had up to, and including May 10, 2013, to file objections. To date, no objections have
16 been filed.

17 This court "may accept, reject, or modify, in whole or in part, the findings or
18 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where a party timely
19 objects to a magistrate judge's report and recommendation, then the court is required to "make a
20 de novo determination of those portions of the [report and recommendation] to which objection
21 is made." *Id.*

22 Where a party fails to object, however, the court is not required to conduct "any review at
23 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149
24 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
25 magistrate judge's report and recommendation where no objections have been filed. *See United*
26 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
27 employed by the district court when reviewing a report and recommendation to which no objects
28 were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (reading
the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not

1 required to review “any issue that is not the subject of an objection.”). Thus, if there is no
2 objections to a magistrate judge’s recommendation, then this court may accept the
3 recommendation without review. *See, e.g., Johnstone*, 263 F.Supp.2d at 1226 (accepting, without
4 review, a magistrate judge’s recommendation to which no object was filed).

5 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
6 whether to adopt the recommendation of the magistrate judge. Upon reviewing the defendant’s
7 motion to suppress, the government’s response,¹ and the magistrate’s report–this court finds good
8 cause to adopt the magistrate’s findings in full.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
11 recommendation of Magistrate Judge Leen (doc. # 33) be, and the same hereby is, ADOPTED in
12 its entirety.

13 IT IS FURTHER ORDERED that defendant Davis’ Motion to Suppress Evidence (doc. #
14 31) be, and the same hereby is, DENIED.

15 DATED this 20th day of May, 2013.

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19 UNITED STATES DISTRICT JUDGE
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¹ Defendant did not file a reply.